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ROBERT SHEREZ

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 25 2007
at 9 o'clock and 48 min. P M
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF Hawai'i

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAII DEPARTMENT OF
EDUCATION; PATRICIA HAMAMOTO,
Superintendent of Hawaii Schools,
MEREDITH MAEDA, Principal, Castle
High School; SARA GRONNER OR
GRONNA, Vice Principal of Castle High
School.

Defendants.

) CIVIL NO. 04-00390 JMS-KSC
)
) PLAINTIFF'S CONCISE COUNTER-STATE-
) MENT OF FACTS IN OPPOSITION TO THE
) DEFENDANTS STATE OF HAWAII 'S
) MOTION FOR SUMMARY JUDGEMENT &
) COUNTER-MOTION FOR SUMMARY
) JUDGMENT; DECLARATION OF
) PLAINTIFF ROBERT SHEREZ;
) DECLARATION OF COUNSEL;
) EXHIBITS 1- ;
)
) Date of Hearing: Feb. 12, 2007
) Time: 9:00 AM
) Judge: Hon. J. MICHAEL SEABRIGHT
)
) Trial Date: March 28, 2007
) CERTIFICATE OF SERVICE

**PLAINTIFF'S CONCISE COUNTER-STATE-MENT OF FACTS IN
OPPOSITION TO THE DEFENDANTS STATE OF HAWAII 'S MOTION
FOR SUMMARY JUDGEMENT & COUNTER-MOTION FOR SUMMARY
JUDGMENT**

Comes Now the Plaintiff, ROBERT SHEREZ, by and through his attorney, Andre'

Wooten, hereby files this instant Concise Counter-Statement of Facts in opposition to the

Defendant's Motion for Summary Judgment filed December 18, 2007.

RESPONSE TO DEFENDANT'S STATEMENT OF FACTS

1. False. Some students are disciplinary problems and barred from campus due to it. Dec. of Plaintiff para 19,20

2. False. Some students are disciplinary problems and barred from campus due to it. Dec. of Plaintiff para 19,20

3. True.

4. **False.** Def. Gronna Enforced a gender biased Declaration of
Teacher employment practice, which Marty Mattison told Plaintiff, para 19.
Plaintiff was the result of a recent law suit between a male tutor Exhibits 1, 2.
and a female student. He also told Plaintiff that under the new
rules an adult must be present for tutoring all students of all ages,
not just students below High School age, as in the past.
Mattison told Plaintiff he could not get a copy of these "unwritten rules".
And Plaintiff has not been assigned a female student to tutor
in three years, since filing this complaint.

Moreover, the D.O.E.'s own rules call for the most
qualified teachers to be assigned first, based upon degree attainment.
So, it was not supposed to be a total rotation, and was not administered
fairly in any case.

5. **False.** Same answer as # 4. In the 2002-2003 Dec. of Plaintiff, para 23, &
year a counselor gave Defendant Gronna an application 24, 25, Ex 1 & 2.
for a contract for Plaintiff Sherez to tutor a pregnant female
student from Castle High School, just as he had for 7 years.

However, Sara Gronna took plaintiff's name off the application.

Moreover, the State has refused to Produce requested relevant
policy and procedure and Home-Hospital tutor contract
comparison data, which would support Plaintiff's position.

The duties of Defendant Gronna's predecessor
included making the Castle High Home-Hospital tutor
assignments. Only when the school did not put down a
Recommended tutor on the form would the District Assign one
Just because Defendant Gronna said she forwarded Plaintiff's
application or was "instructed" In some unwritten manner,
by the Windward Dept does not automatically make it so.

The State has refused to Produce requested relevant policy and procedure and Home-Hospital tutor contract comparison data, which would support Plaintiff's position. Especially when as here, the State has refused to Produce requested relevant policy and procedure and Home-Hospital tutor contract comparison data, which would support Plaintiff's position.

The D.O.E. established the gender discriminatory policy but Sara Gronna carried it out and Marty Mattison admitted this to Plaintiff. Dec. Of Plaintiff 19, 23, 24, 25, 26

The particular issue Plaintiff has raised is blatant gender discrimination in employment. Sara Gronna, Marty Mattison and Ira Ilson all told Plaintiff about this policy. That was the reason Plaintiff was given when he was removed as a tutor of a Manoa pregnant student. Dec. Of Plaintiff 19, 23, 24, 25, 26 Exhibits 1 & 2.

6. **False.** Plaintiff was told Sara Gronna made the Decision to deny him work by Ira Ilson and Sara Gronna Herself. Moreover the Defendants have refused to produce the manual or rules that they Now say Sara Gronna was following. Dec. Of Plaintiff 23 24 and 25. Exhibit 1 & 2.

7. True.

8. True

9. True

10. True. 3 semesters of class

11. False. Sometimes teachers are informed prior to this. Dec of Plaintiff 29-40.

12. True.

13. False. Plaintiff was informed in mid-term that his course was being canceled. Declaration of Plaintiff, Para 29 , 39. Exhibits 3 &4

14. False. Plaintiff was terminated in mid-term. And the teacher retained was not more qualified than Plaintiff to teach the G.E.D. class, as Plaintiff's students Dec. of Plaintiff, para 22 29, 39, 40. Exhibits 3 & 4.

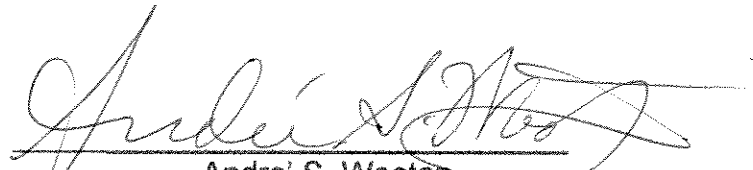
had the highest success and passage rate on the test in comparison with the other teachers.

PLAINTIFF'S CONCISE COUNTER-STATEMENT OF FACTS
IN SUPPORT OF PLAINTIFF'S COUNTER-MOTION FOR SUMMARY JUDGMENT

15. Plaintiff's equal opportunity for employment was unfairly denied him by Sara Gronna, Castle High School, Helen Sanpei and the DOE. Dec. Plaintiff para 18, 23, 24, 25, 26, 27 Exhibit 1, 2.
16. Plaintiff was retaliated against for filing this complaint against Sara Gronna, and Castle High School by being limiting his further work by the Windward District and at McKinley School for Adults. Dec. Plaintiff para 18, 23, 24, 25, 26, 27 to 40.
17. Plaintiff was retaliated against for filing this complaint against Sara Gronna and Castle High School by being denied further work by the D.O.E. Adult Education Dept. At McKinley High school, where he taught part time. The McKinley school for Adults principal fired Plaintiff in the middle of his course, stranding the students as well. Dec. Plaintiff para 18, 23 29 Exhibits 3 -4.
18. Plaintiff had worked at will consistently for over 16 years as a home Hospital tutor until Sara Gronna became responsible for making the tutor assignments for the DOE. Dec. Plaintiff para 18,
19. Plaintiff had worked consistently for over 16 years for the Windward District as a Home Hospital Tutor before making this complaint of gender discrimination. Dec. Plaintiff
20. Plaintiff had worked part-time for the D.O.E. Adult Education Department at McKinley High School complex Until filing this complaint of gender discrimination for years. Dec. Plaintiff 29-40
24. Plaintiff, although vastly experienced and tremendously qualified is the only so qualified teacher enrolled in the D.O.E. Special Education Teacher Certification Program that has not been hired for a full time job. Dec. Plaintiff p 30 Ex 2, 3 & 4.
25. Plaintiff has been informed that the reason he has not been hired or given just limited employment for any of these Dec. Plaintiff p 30. Ex 2, 3 & 4.

jobs is because he filed the instant original complaint of gender discrimination against the DOE. and Sara Gronna.

Dated, Honolulu, Hawaii, January 25, 2007.



Andre' S. Wooten
Attorney For Plaintiff ROBERT SHEREZ